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FM AMEMBASSY KATHMANDU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0592
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 7063
RUEHLM/AMEMBASSY COLOMBO PRIORITY 7380
RUEHKA/AMEMBASSY DHAKA PRIORITY 2711
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 5423
RUEHLO/AMEMBASSY LONDON PRIORITY 6551
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3159
RUEHCI/AMCONSUL KOLKATA PRIORITY 4695
RUEKJCS/SECDEF WASHDC PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3607
RHEFDIA/DIA WASHDC PRIORITY
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L KATHMANDU 000728

SIPDIS

FOR DRL/MLGA KRISTEN MCGEENY

E.O. 12958: DECL: 04/13/2017

TAGS: [DRL](#) [NP](#) [PGOV](#) [PHUM](#) [UN](#)

SUBJECT: NEPAL: INITIATIVES TO COUNTER TORTURE

REF: SECSTATE 70129

Classified By: Charge de Affaires Jeffrey Moon, a.i. Reasons 1.4 (b/d)

¶1. (U) In response to reftel request for mechanisms in Nepal that aim to prevent torture and protect victims, post is aware of the following mechanisms:

¶2. (C) The Nepali government has several institutions that have responsibility for working to prevent torture: the Prime Minister's (PM's) Office, the Law Ministry, and the Home Ministry. The PM's Office is the lead governmental institution and its role is to coordinate with the Law and Home Ministries, which are responsible for torture related legislation (drafting and amending laws) and following up on allegations of torture and other human rights abuses. According to Gauri Pradhan, a Commissioner on the National Human Rights Commission (NHRC), there is a lack of coordination among government wings and the government has not responded to NHRC's recommendations. According to Pradhan, the three most recent Prime Ministers made public commitments to deal with torture but despite NHRC recommendations to prosecute cases, the government has not prosecuted a single case of torture against any perpetrators.

¶3. (SBU) NHRC is a national, independent Nepali constitutional body, with a mandate to safeguard human rights. NHRC has legal authority to conduct investigations, file complaints, monitor jails and detention centers, review legal provisions and safeguards against torture, and publicize human rights education. NHRC is hampered by infighting among at least two of the five commissioners, in addition to perceived competition from OHCHR, which just received a mandate extension to operate in Nepal through June ¶2010.

¶4. (U) OHCHR is the most prominent entity in Nepal that reviews allegations of torture, and other human rights abuses, and conducts investigations to determine their validity and scope. OHCHR provides a wide array of technical assistance and advocacy for civil society organizations that lobby the Nepali government to enact transparent and consultative legislation to criminalize torture. OHCHR also provides human rights training to Nepal's police and armed forces, some of which is focused on abuse and torture prevention. Additionally, OHCHR operates in a capacity building relationship with NHRC.

15. (U) Nepali nongovernmental organizations (NGOs) and civil society organizations are in the nascent stages of advocacy and have yet to achieve widespread success outside of the Kathmandu Valley. The two principal NGOs working on countering torture are the Center for Victims of Torture (CVICT) and the Advocacy Forum. CVICT's activities emphasize: fact finding/investigation, legal intervention, and rehabilitation of torture victims. Advocacy Forum's primary focus is on victims. Gathering and maintaining a database of torture incidents is also a priority. Advocacy Forum assists victims in filing lawsuits, visits and monitors government detention facilities, documents abuse claims, and provides psychological and legal aid to victims of torture.

16. (SBU) The Government of Nepal has yet to pass legislation that criminalizes torture. Criminal legislation has been introduced several times, but the legislature has failed to enact a law. Nepal could clearly benefit from innovative initiatives that lead to the criminalization of torture and effective mechanisms to protect victims.

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